

## CITY COUNCIL AGENDA REPORT

**MEETING DATE: OCTOBER 18, 2004** 

**ITEM NUMBER:** 

SUBJECT:

PLANNING APPLICATIONS PA-03-59/PA-04-40/TENTATIVE TRACT MAP T-16502

2300 HARBOR BOULEVARD/380 WEST WILSON STREET

DATE:

**OCTOBER 4, 2004** 

FROM:

DEVELOPMENT SERVICES DEPARTMENT—PLANNING DIVISION

PRESENTATION BY: CLAIRE L. FLYNN, AICP, ASSOCIATE PLANNER

FOR FURTHER INFORMATION CONTACT: CLAIRE L. FLYNN, (714) 754-5278

#### **RECOMMENDED ACTION:**

The Planning Commission recommends that City Council take the following actions:

(1) Deny Final Master Plan PA-03-59

(2) Deny Tentative Tract Map T-16502.

Please Note: If City Council approves the proposed project, Council must also take action to amend the Harbor Center conditions of approval to allow opening at Wake Forest Road. This action is included in the attached approval resolution.

#### BACKGROUND:

PA-03-59 and T-16502 are being processed concurrently with General Plan Amendment GP-03-05 and Rezone R-03-01. The land use policy issues related to these applications are analyzed in a separate City Council Agenda Report, but any relevant/applicable information to the GPA and Rezone will also be referenced in this report.

On October 19, 1998, City Council approved the Harbor Center Master Plan for a multitenant retail center containing approximately 315,307 square feet. Home Depot is one of the primary anchor tenants at Harbor Center.

On March 1, 1999, a Settlement and Mutual Release Agreement among ICI Holdings, City of Costa Mesa, and Neighbors of Harbor Center required a sound wall along the easterly property line.

On August 31st and September 14th, community meetings were held to receive public comment on the proposed project and environmental document. Responses to comments received during community meetings are provided separately.

On September 27, 2004, Planning Commission recommended approval of the General Plan amendment and rezone for low density residential development (3-2 vote, DeMaio

and Beaver voted no). However, Planning Commission denied the proposed Master Plan (3-2 vote, Foley and Garlich voted no) because the majority believed that the site was either unsuitable for residential development or the proposed Master Plan should be reduced in density to about four units, or 2.5 dwelling units/acre. Planning Commission did not express any concerns with the overall design of the proposed single-story and two-story structures.

#### **ANALYSIS:**

The proposed residential project includes a Final Master Plan and Tentative Tract Map, as summarized below. Please refer to the Planning Commission Staff Report for a more detailed analysis (Attachment 4). The following section also discusses issues related to the residential development and required changes to the Harbor Center Master Plan necessary to accommodate the proposed project.

#### Proposed Master Plan (PA-03-59)

The proposed Master Plan is for an eight-unit, single-family residential, common-interest development on the 1.49-acre, vacant, land-locked site. The proposed residences will consist of five single-story units (three bedroom, two bath) and three two-story units (four bedroom, two bath) with two-car garages and individual driveways. An additional eight parking spaces will be located on the eastside of the proposed 25-foot wide private street, for a total of 40 parking spaces. The project provides eight spaces above Code requirements. Access to the project site is proposed at the western terminus of Wake Forest Road and would therefore require removal of the block wall/landscape berm in that area. (Planning Application Summary, Attachment 5).

The overall architectural style is compatible in scale and character with existing residential neighborhoods to the south and east. The proposed design is consistent with the character of the community and in conformance with the City's Residential Design Guidelines and Development Standards.

#### Tentative Tract Map T-16502

As shown in the proposed tentative tract map (attached to the project plans), the proposed subdivision involves combining the 1.12-acre and 0.37-acre property and subdividing the resulting parcel into 9 lots: eight numbered lots and one lettered lots (with four easements), as follows:

Lot Number	Lot Size	Description
Single-Famil	ily Residential Lots (approximate sizes)	
1	5,847 sq.ft.	Two-story residence (1739 sq.ft, includes garage)
2	5,305 sq.ft.	Two-story residence
3	5,025 sq.ft.	Two-story residence
4	7,046 sq.ft.	One-story residence (1724 sq.ft., includes garage)
5	7,078 sq.ft.	One-story residence
6	7,111 sq.ft.	One-story residence
7	6,911 sq.ft.	One-story residence
8	8,335 sq.ft.	One-story residence
Lettered Lot (LOT A with *access easements)		cess easements)
A*		25-wide private street for ingress/egress/parking
B*		Community landscaped area/open space
C*		Pedestrian access easement to Wilson Park
D*		Ingress/Egress access easement for emergency and security vehicle purposes/public utilities

For small-lot subdivisions in a PDR-LD zone, Code requires a minimum lot size of 5,000 sq.ft., with an average lot size of 5,500 sq.ft. Lots range in size from 5,025 sq.ft. to 8,335 sq.ft., with an average lot size of over 6,582 sq.ft. The proposed tentative tract map is attached to the project plans.

#### Landscape Concept Plan

The Landscape Concept Plan (attached to the project plans) proposes several varieties of trees including: Brisbane Box, Southern Magnolia, Brazilian Pepper, Sycamore, and Crape Myrtle trees. A total of 104 new trees are proposed in the common open space areas and at the site entry at Wake Forest Road. The applicant has indicated that additional trees have been added to address the community's concerns for adequate landscaping and possible sound attenuation with more trees.

#### Conditions of Approval

If City Council finds the project site suitable for residential development, the following conditions of approval will address staff's concerns.

	Issue	Condition of Approval
• Ens	ure Adequate Parking	Conditions #8: CC&Rs require homeowners to maintain 20' x 20' unobstructed area for vehicle parking in their two-car garages.
• Not	ify of Noise Environment	Conditions #9 & #16: Requires disclosures to interested buyers and homeowners of noise environment.
	e Priority Selection to Residents	Conditions #17: Qualified Costa Mesa residents given priority in selection process over nonresidents, to fullest extent allowed by law.
	imize Construction pacts	Conditions #14 & #15: Limited hours of construction activity and required coordination with Harbor Center property owner to delay opening of Wake Forest during construction to maximum extent practicable.

#### **Site Access from Wake Forest**

Currently the only access to the project site is through Harbor Center. The applicant has discussed the possibility of maintaining this access as an alternative to opening Wake Forest Road, but the property owner (ICI Development) has not agreed to provide an easement for ingress/egress to the project site. Access to the project site is also not available through the multi-family residential development on West Wilson Street due to a significant grade difference (about 6 feet) and the need to eliminate parking areas from Wilson Park Townhomes. Therefore, the proposed Master Plan requires opening Wake Forest Road to provide the only available access to the site from a public street given these constraints.

#### Noise Disturbances at Home Depot

The City's Noise Ordinance stipulates that it is unlawful for any person to willfully make or continue any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, regardless of whether the noise level exceeds the standards specified in the Noise Ordinance.

The majority of residents who are reporting noise complaints reside east of Home Depot (within the vicinity of Wake Forest Road and College Drive). Reported complaints include noise from commercial trucks unloading merchandise throughout the day, back-up beeper noise from forklifts operating both day and night in the loading bay area and garden center, and sawing activities originating from inside Home Depot. These complaints generally relate to violations of Harbor Center conditions of approval. Despite the implementation of noise mitigation measures, the City continues to receive reports of noise disturbances related to Home Depot activities. Periodic violations of the Harbor Center's conditions of approval, which may not necessarily exceed Noise Ordinance limits, may still be disruptive.

### Sound Engineer's Findings

Although loading dock noise levels are high, the Sound Engineer found that normal operations do not necessarily exceed the Noise Ordinance standards. Based on a professional and technical review of the noise monitoring data, previous Harbor Center technical noise report, and reports of noise disturbances from Home Depot, LSA's Sound Engineer has made the following findings:

- Noise is primarily attenuated by first westerly 14-foot block wall. Noise
  activities from Harbor Center are primarily mitigated by the westerly 14-foothigh sound wall adjacent to the commercial center. The second, easterly 14foot block wall provides sound protection of 0.5 to 1.5 decibels which is not a
  perceptible reduction by the human ear.
- Existing noise levels from Home Depot would not exceed Noise Ordinance.
   LSA's noise monitoring in both 2001 and 2004 measured the existing noise conditions to determine potential impacts to existing residential communities

and proposed homes at the project site. The noise data collected included noise-generating activities associated with residential uses. With compliance of the Harbor Center's conditions of approval, ongoing code enforcement as necessary, and adequate sound attenuation by the 14-foot block wall around the project site, the sound engineer concluded that noise impacts to existing and proposed residential uses are considered less than significant.

- 3. Opening at Wake Forest Road would not increase noise levels. The sound engineer believed that opening Wake Forest would not create an increase in perceptible noise to the human ear from Home Depot activities to existing residents. Depending upon structure size and placement, the construction of buildings between the westerly sound wall and the existing residents may also have a beneficial impact by providing an intervening object, similar to the effect a berm or hill has on shielding noise.
- 4. <u>Updated Noise Analysis (2004) supports previous findings of Harbor Center Noise Analysis (1998 and LSA Noise Analysis (2001)).</u> The findings of the noise monitoring results are in agreement with the conclusions made in the Noise Analysis for the Harbor Center Shopping Center (Mestre Greve Associates, September 9, 1998). Both reports that a 14-foot-high sound wall would reduce noise impacts from the Home Depot loading dock to below a level of significance.
- 5. <u>Block walls would not create an echo chamber</u>. A supplement to the Noise Technical Report provides additional noise readings for early morning (6 a.m. to 8 a.m.) and late night (9 p.m. to 11 p.m.). The sound engineer further explains technical information about sound travel and the fact that the project site does not act as an echo chamber.

#### Amendment to Harbor Center Conditions of Approval

The following amendments to the Harbor Center Conditions of Approval (Planning Application PA-98-50/Council Resolution No. 98-91) are required to reflect opening Wake Forest Road:

• Condition of Approval #7 - Pursuant to General Plan Amendment GP-03-03 and Rezone-03-01 which allows low density residential development in the "Future Development Area", the formerly existing access to the site from Wake Forest Road shall be closed with a solid, opaque wall at least eight (8) feet in height from lowest grade. shall be reopened to provide site access to the 1.49-acre property designated as "Future Development Area." This opening will require demolition of a section of the 6-foot block wall, landscaped berm, and 14-foot wide block wall located at the western terminus of Wake Forest Road. Other conditions of approval (e.g. Conditions #5 and #36) in the Harbor Center Master Plan, requiring installation of berms/block walls along the easterly property line, do not apply to this approximately 12-foot to 60-foot wide opening at the western terminus of Wake Forest Road.

- Condition of Approval #5 Append the following reference: "Note: This condition does not apply to the required opening for site access to the Future Development Area at the western terminus of Wake Forest Road, as indicated in Condition of Approval #7."
- Condition of Approval #36: Append the following reference to Receptor 4 Area: "Note: This condition does not apply to the required opening for site access to the Future Development Area at the western terminus of Wake Forest Road, as indicated in Condition of Approval #7."

Exhibit "D" of the attached approval resolution provides the amended conditions to the Harbor Center Master Plan (Attachment 2).

#### **ALTERNATIVES:**

City Council has the following alternatives:

- Pursuant to Planning Commission recommendation, deny the Master Plan and Tentative Tract Map. This action would be consistent with the denial of the General Plan Amendment/Rezone request. Staff has prepared a denial resolution (Attachment 2).
- 2. Approve Master Plan and Tentative Tract Map. If City Council approves the Final Master Plan and Tract Map, conditions of approval related to the following issues will address staff's concerns on the proposed project: (1) notification of new residents of existing noise environment and previously reported violations of Harbor Center conditions of approval and (2) required assurance by Habitat that qualified Costa Mesa families be given priority in the selection process over nonresidents. This alternative also requires approval of the required amendments to the Harbor Center Master Plan to allow site access at Wake Forest Road. Staff has prepared an approval resolution (Attachment 3).

#### FISCAL ANALYSIS:

The proposed project does not require fiscal review.

#### **LEGAL ANALYSIS:**

The City's Attorney's office has reviewed the draft resolution and ordinance and approved them as to form.

#### CONCLUSION:

The Planning Commission recommends denial of the Master Plan/Tract Map due to concerns about: (a) the site's suitability as a residential use and (b) suggested density reduction to four units (2.5 dwelling units/acre). However, in the event that City Council deemed this site as suitable for residential development and accepts the Master Plan, the proposed Master Plan conforms with the Zoning Code with respect to planned residential developments. These proposed homes would be compatible with the surrounding neighborhood with respect to scale, design, and density. Concerns related to the noise environment and parking supply in College Park are addressed by conditions of approvals.

CLAI<u>re</u> L. FLYNN, AI**C**F

Associa e Planner

DONALD D. LAMM, AICP

Dep. City Mgr. - Dev. Svs. Director

R. MICHAEL ROBINSON, AICP Planning & Redevelopment Mgr.

Attachments:

- Draft Denial Resolution
- Draft Approval Resolution
- 3. 9/27/04 PC Minutes Excerpt
- 4. 9/27/04 Planning Commission Staff Report
- 5. Site Plan/Elevations/Floor Plans (provided separately)

CC:

City Manager

Assistant City Manager Acting City Attorney

Deputy City Manager-Development Sys. Dir.

Public Service Director

City Clerk (2) Staff (4) File (2)

Mark Korando

Habitat for Humanity of Orange County

2165 South Grand Avenue Santa Ana, CA 92705

## Mick Meldrum 2222 E. 17<sup>th</sup> Street Santa Ana, CA 92705

## Neighbors for Harbor Center

		<u> </u>
File: 101804PA0359T16502Claire	Date: 100504	Time: 1045a.m.

# Attachment 1 Draft Denial Resolution

#### **RESOLUTION NO. 04-**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA DENYING PLANNING **APPLICATION** PA-03-59. PA-04-40. TENTATIVE TRACT MAP T-16502 FOR THE HUMANITY FOR RESIDENTIAL HABITAT PROJECT LOCATED 2300 **HARBOR** AΤ **BOULEVARD AND 380 W. WILSON STREET.** 

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Mark Korando, Vice President of Habitat for Humanity of Orange County, authorized agent for ICI Development (property owner), with respect to the real properties located at 2300 Harbor Boulevard and 380 W. Wilson Street, requesting: (1) approval of Planning Application PA-03-59, Final Master Plan for a eight-unit, detached, common-interest residential development; (2) approval of Tentative Tract Map T-16502, subdivision of the property into eight lots and one common lot for parking/ingress/egress/open space purposes; and (3) approval of Planning Application PA-04-40, amendment to Harbor Center Master Plan's (PA-98-50) Conditions of Approval to reflect opening of Wake Forest Road to provide site access;

WHEREAS, the City Council adopted the initial study/mitigated negative declaration and denied the General Plan amendment and rezone by separate resolution;

WHEREAS, the City Council adopted Resolution No. 98-91 for the approval of the Harbor Center Master Plan (PA-98-50) with conditions of approval in Exhibit "B" of the resolution;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 27, 2004 and by the City Council on October 18, 2004.

WHEREAS, the Planning Commission recommended denial of the proposed Final Master Plan and Tentative Tract Map by adopting Resolution No. PC-04-66.

WHEREAS, the City Council deems it to be the best interest of the City that the proposed project not be approved.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the City Council hereby **DENIES** Planning Applications PA-03-59 and PA-04-40 and Tentative Tract Map T-16502, with respect to the property described above.

PASSED AND ADOPTED	this day of, 2004.
	Mayor
ATTEST:	APPROVED AS TO FORM:
City Clerk of the City of Costa Mesa	Acting City Attorney

STATE OF CALIFORNIA) )ss
COUNTY OF ORANGE )
I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above foregoing Resolution No. 04 as introduced and considered section by section at a regular meeting of said City Council held on the day of, 2004, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the day of, 2004, by the following roll call vote:
AYES:
NOES:
ABSENT:
IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this day of, 2004.
Deputy City Clerk and Ex-Officio of the City Council of the City of Costa Mesa

#### **EXHIBIT "A"**

#### **FINDINGS**

A. The proposed development fails to comply with Costa Mesa Municipal Code Section 13-29 (e) because safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered, however, the quiet enjoyment and compatibility of the proposed residential neighborhood may be adversely affected due to the proximity to the commercial use.



## CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE CITY CLERK AT (714) 754-5223